

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

AMY NICOLE SMITH,
Plaintiff,

v.

Civil No. 3:24cv565 (DJN)

SOUTHWEST REGIONAL JAIL, *et al.*,
Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on August 21, 2024, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm her intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. On September 17, 2024, the United States Postal Service returned the August 21, 2024 Memorandum Order to the Court. On September 19, 2024, the Court received an updated address from Plaintiff. By Memorandum Order entered on October 10, 2024, the Court directed the Clerk to remail the August 21, 2024 Memorandum Order and associated documents to Plaintiff and directed Plaintiff to comply with the terms of the August 21, 2024 Memorandum Order within thirty (30) days of the date of entry thereof.

Plaintiff has not complied with the Court's order to return a consent to collection of fees form. As a result, she does not qualify for *in forma pauperis* status. Furthermore, she has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Plaintiff's conduct

demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.



/s/
David J. Novak
United States District Judge

Alexandria, Virginia
Date: November 21, 2024